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Peter Kassan

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

AL HASHEMI, SANA A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/824,404
Filing Date: April 02, 2001
Appellant(s): KASSAN ET AL.

Max Moskowitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Nov. 15, 2006 appealing from the Office action mailed May 15, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5895454	Harrington	4-1999
6038551	Barlow	3-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrington (US Patent No. 5,895,454).

Regarding Claim 1, Harrington discloses an asset tracking, managing and servicing system, comprising:

a user-referenced subsystem including, for each of a plurality of users, a respective asset and relationship tracking repository database operable to store data records relating tin user-based asset or user based information, and further including a records associator and a request processor (Fig. 2, item 32, Harrington) ;

a plurality of at least one of a service and product, vendor-referenced, databases comprising at least one of a service and product, vendor-referenced data records which constitute data records describing vendor-referenced services or products, the at least one of a service and product vendor-referenced data records comprising at least one of service and product information (Col. 5, lines 63-67, Fig. 2, item 36, Harrington) ; and

a control and communication subsystem that causes interactions between asset and relationship tracking repository data records that are user-referenced and the at least one of a service and products vendor- referenced data records that are vendor-referenced, in a manner that

Art Unit: 2164

creates current user information, including via interactions initiated by vendors and enables tracking the user-based assets and managing servicing for the user-based assets for each of the plurality of users (Fig. 1, Col. 2, lines 26-47, Harrington).

Regarding Claim 2, Harrington discloses a system further including a facility associated with the user-referenced subsystem which groups selected items from the asset and relationship tracking repository data records into groups of records (Col. 5, lines 35-37, Harrington).

Regarding Claim 3, Harrington discloses a system in which the asset and relationship tracking repository data records (Col. 4, lines 39-42, Harrington).

Regarding Claim 4, Harrington discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: warranties; periodic maintenance; payment schedules; payment history; proof of ownership of assets; proof of purchase; product recall data; tax related information; installment payment dates; expiration dates; renewal dates; expenditure history; and next mandated maintenance date (Col. 4, lines 46-50, Harrington).

Regarding Claim 5, Harrington discloses a system in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: time and date of transactions; vendor; personal data of purchaser; addressing information of recipient; personal demographic information about purchaser or recipient; generic description of an asset; contract terms and conditions; entity purchased from; and contact information (Col. 4, lines 35-65, Harrington).

Regarding Claim 6, Harrington discloses a system in which the data items also include transaction type information including purchase, rental, lease, and contract siring (Col. 4, lines 35-65, Harrington).

Regarding Claim 7, Harrington discloses a system in which the user-referenced subsystem further includes a security controller (Col. 5, lines 52-55, Harrington).

Regarding Claim 8, Harrington disclose a system in which the security controller is operable to set a variety of authorization levels that determine and select those asset and relationship tracking repository data records to which the request processor shall have access (Col. 6, lines 31-36, Harrington).

Regarding Claim 9, Harrington discloses a system in which the authorization levels are based on criteria selected from a criteria group that consists of: a user identifier; a requestor personal identification number; type of access rights granted; data that pertains to assets associated with a requestor; transaction code; asset and relationship tracking repository data record category; and vendor class (Col. 6, lines 31-36, Harrington).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2164

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington (US Patent No. 5,895,454) in view of Barlow et al (Barlow hereinafter)(US Patent No 6,038,551).

Regarding Claim 10, Harrington discloses the accessing the data by different level of users which inherently disclose the use of encrypting and decrypting data and to expedite prosecution examiner present a secondary Barlow at Col. 17, lines 17-24, Fig. 9, item 186, teaching clearly discloses the data records are encrypted. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use encrypt the data records. Skilled artisan would have been motivated to incorporate the teaching of Barlow in the Harrington system to provide a level of security and to protect the data stored in the system specially the financial information.

Regarding Claim 11, Harrington in view of Barlow discloses a system the asset and relationship tracking repository data records including personal preference information (Col. 5, lines 48-51, Harrington).

Regarding Claim 12, Harrington in view of Barlow discloses a system in which the security controller enables communication via a trusted agent (Col. 12, lines 15-25, Barlow).

Regarding Claim 13, Harrington in view of Barlow discloses a system in which the request processor includes a facility that enables the user-referenced subsystem to respond to unsolicited requests for detailed information about assets (Fig. 3, item 80, Barlow).

Regarding Claim 14, Harrington in view of Barlow discloses a system in which the request processor receives a request for information from remote computing facilities (Col. 16, lines 15-20, Barlow).

Regarding Claim 15, Barlow discloses a system in which the request processor assigns a unique transaction number to each request (Col. 11, lines 63-66, Barlow).

Regarding Claim 16, Harrington in view of Barlow discloses a system in which the request processor develops a history of transactions (Col. 12, lines 15-23, Barlow).

Regarding Claim 17, Harrington in view of Barlow discloses a system in which the records associator is a facility that automatically establishes associations between asset and relationship tracking repository data records of various types, based on a set of criteria (Col. 4, lines 12-22 Harrington).

Regarding Claim 18, Harrington in view of Barlow discloses a system in which the records associator tentatively establishes associations at the time a transaction is made (Col. 4, lines 46-50, Harrington).

Regarding Claim 19, Harrington in view of Barlow discloses a system including an inference engine and in which the criteria for the records associator are developed by the inference engine which is a software component of the records associator that analyzes

consumers transactions as they occur, to derive likely associations (Col. 4, lines 35-41, Harrington).

Regarding Claim 20, Harrington in view of Barlow discloses a system further including a user rule facility which is referenced by the records associator to develop rules of association (Col. 4, lines 39-42, Harrington).

Regarding Claim 21, Harrington in view of Barlow discloses a system further including an editor or viewer in the user-referenced subsystem through which users access the asset and relationship tracking repository data records for the purposes of editing and viewing the same (Fig. 4, Barlow).

Regarding Claims 22, and 23, Harrington in view of Barlow discloses a system further comprising an individual best coordinator, which is a process that provides decision support to a user based on a current transaction and current assets in the user's asset and relationship tracking repository database (Col. 12, lines 12-16, Barlow).

Regarding Claim 24, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on a user's computer (Fig. 2, items 27-28, Harrington).

Regarding Claim 25, Harrington in view of Barlow discloses a system in which the user-referenced subsystem comprises a computer/software construct that is resident on the Internet (Fig. 1, Harrington).

Regarding Claims 26, 27, and 28, Harrington in view of Barlow discloses a system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is

resident on a private database located outside of the user's individual computer (Fig. 1, items 10, 11, and 13, Harrington).

(10) Response to Argument

Appellant argue that the prior art of record does not discloses the “tracking user-based asset”.

Examiner respectfully disagrees. The argued limitation “ tracking user-based assets” as claimed is not supported in the specification in any was, therefore the Examiner interpreted the broadest reasonable interpretation. As disclosed in Col. 5, lines 25-62, “ if a user wishes to obtain specific products/services from the Australian Geographical region only with a delivery time of 3 days or less, these criteria would be input into the database interface 20 using, iconic, text or similar input means. Wherein tracking the user preference correspond to the claimed limitation.

Appellant argues that the prior art of record fails to disclose “managing the servicing of user-based assets for each of a plurality of users”.

Examiner respectfully disagrees. The argued limitation is not in the claim language. However, the applied art at Col. 5, lines 36-47, a world map may be shown and the user may select an area of interest by clicking on a point on the map, whereupon the area may be progressively narrowed by further clicking in sub-regions on the map. A hierarchical scheme could allow the selection of country, city or region based criteria depending on the users specific requirements. The nature of the goods could be input using a predefined set of selectable

Art Unit: 2164

categories. For example products might be divided into classifications such as electronic goods, toys etc. The user may select these groups and be guided through the available products by a further hierarchical or nested menu system. Alternatively the user would provide keyword strings to allow the database to identify appropriate websites. The user may be guided through the steps of inputting data in the form of a structured query interface such as those found on common search engines.

Appellant argues that the prior art fails to disclose, “interaction initiated by vendor” for the “control and communication subsystem”

Examiner respectfully disagrees. First of all the specification does not provide any support with respect to the control communication subsystem, therefore this feature has been interpreted according to the MPEP with the broadest reasonable interpretation and the cited Fig. 2, discloses the claimed/ argued limitation. Second the “interaction initiated by vendor” is in fact disclosed in e.g. the background (Col. 1, lines 21-27, 34-39, and even the example provided in Col. 1, lines 48-54, the disclosure Col. 2, lines 25-33, and through out the reference e.g. Col. 5, lines 1-4, corresponds to the initiated by vendor, since the vendor is required to provide the information to be stored in a database or website or to an end user, prior to the user interaction with the that specific vendor, because if the vendor will not initiates that interaction the end user will never know that vendor exists in the first place, for that reason the examiner believe that the claimed/argued limitation has been met by the applied art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

An Appeal conference was held on February 8, 2007 with conferees: John Breene (SPE) Hosain Alam (SPE) and Sana AL-Hashemi (Primary Examiner).


Respectfully submitted,

February 9, 2007

Conferees:

John Breene
Supervisory Patent Examiner

Hosain Alam
Supervisory Patent Examiner



Sana AL-Hashemi
Primary Examiner